

ORIGINAL**Federal Communications Commission**

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

) Amendment of Section 73.202(b),
) Table of Allotments,
) FM Broadcast Stations.
) (Alberta, Virginia and
) Whitakers, North Carolina)MM Docket No. 00-245
RM-9971

To: Chief, Allocations Branch

REPLY COMMENTS OF DINWIDDIE RADIO COMPANY

Dinwiddie Radio Company ("DRC"), by its attorneys and pursuant to the Commission's Public Notice dated July 19, 2001 (Report No. 2496), hereby submits its Reply Comments in support of DRC's counterproposal (RM-10186) in the above-captioned proceeding. In its Counterproposal, DRC requested that the Commission amend Section 73.202(b) -- the FM Table of Allotments -- to allot Channel 299A to Dinwiddie, Virginia, in lieu of the petition by MainQuad Broadcasting, Inc. ("MainQuad") to allot Channel 299A to Alberta, Virginia, substitute Channel 276C3 for Channel 276A at Alberta, and reallocate Channel 276C3 from Alberta to Whitakers, North Carolina.

I. Dinwiddie, Virginia, Is a Community Entitled to First Local Service.

As DRC demonstrated in its Counterproposal, a central benefit of DRC's proposed allotment is the provision of a first local transmission service to Dinwiddie, Virginia, an unincorporated community that is the county seat for Dinwiddie County. This area is

commonly referred to as Dinwiddie Courthouse. *See* Letter dated August 2, 2001 from R. Martin Long, County Administrator of Dinwiddie County, attached hereto as Exhibit 1 (the “R. Martin Long Letter”), welcoming the proposal to allocate a new station to Dinwiddie on behalf of the Board of Supervisors. Not only would Channel 299A be the first station licensed to serve Dinwiddie, it would also be the first local transmission service in Dinwiddie County as a whole.

The lack of any local transmission service within Dinwiddie County stands in stark contrast to the Commission’s obligations under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. §307(b)), which provides that “the Commission shall make such distribution of licenses . . . among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.” In order to implement this statutory directive, the Commission has established the following FM allotment priorities: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities 2 and 3. *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 101 (1982). These FM allotment priorities clearly reflect a determination that preference be given to applicants that propose to serve presently underserved areas. *See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15963 (1998) (“A system of priorities guides the Commission’s 307(b) determinations, setting preferences for applicants proposing to establish a station in a nonserved or underserved community.”). In light of this statutory mandate, DRC submits that additional weight should be given to proposals such as DRC’s that would result in the provision of first local transmission

service in an unserved county.

As indicated above, Dinwiddie is an unincorporated community, like many communities in Virginia where most local governmental functions are provided by counties. For example, such well known communities in the Washington, D.C. metropolitan area such as Annandale, McLean and Reston are unincorporated parts of Fairfax County. Yet the FCC has previously recognized each as a community under Section 307(b). *See Archilla-Marcocci Spanish Radio Company*, 101 F.C.C. 2d 522, 525 (Review Brd. 1985) (finding that Annandale, Virginia is a community for Section 307(b) purposes); *Seven Locks Broadcasting Co.*, 37 FCC 82, 83-84 (1964) (finding that McLean, Virginia is a community for Section 307(b) purposes); *Elijah Broadcasting Corp.*, 3 FCC Rcd 5148 (Review Brd. 1988) (finding that Reston, Virginia is a community for Section 307(b) purposes).

Dinwiddie is a distinctly identifiable and thriving community. At its heart is a complex of governmental offices. As the county seat, Dinwiddie is home to the Dinwiddie County Courthouse, the Sheriff's Department and the Departments of Economic Development, Health, Planning, Social Services and Transportation. It has its own Post Office and zip code. In addition, there are numerous commercial businesses, including retail establishments, banks, restaurants, medical offices, law offices and others. Moreover, Dinwiddie is home to hundreds of people. Their children attend the Dinwiddie Elementary School and other schools within the community, and they worship at one of several churches, all located within that community.

Because Dinwiddie is not incorporated, it does not have a readily ascertainable boundary. However, ascertainable boundaries are not a prerequisite to a finding of community

status for purposes of Section 307(b). “The very nature of these particular ... communities precludes an absolute showing that they have an identifiable population grouping separate and distinct from all others and that the geographic boundaries of the locations contended for do not enclose or contain areas or populations more logically identified as, or associated with, some other location.” *Seven Locks Broadcasting Co.*, 37 FCC 82, 84 (1964). *See also, Benavides, Bruni, and Rio Grande City, Texas*, 13 FCC Rcd 2096, 2100 (Allocations Branch 1998); *Willows and Dunnigan, California*, 10 FCC Rcd 11522, 11523 (Allocations Branch 1995); *Vacaville and Middletown, California*, 6 FCC Rcd 5786, 5787 (Allocations Branch 1991). As a consequence, the Commission has held that “it is not necessary for applicants to prove that the localities that they propose to serve have definite borders in order to meet the burden of a community-status issue.” *Beacon Broadcasting*, 2 FCC Rcd 3469, 3470 (1987).

Absent such readily ascertainable boundaries, it is difficult to pinpoint the exact population of Dinwiddie. MainQuad alleges that the proposed Dinwiddie station would not place a principal community contour over the following locations in Dinwiddie: the Dinwiddie Volunteer Rescue Squad, the Dinwiddie Elementary School, the Restoration Christian Center and the Olive Branch Baptist Church. However, Figure 5 to the attached Engineering Statement prepared by Lawrence L. Morton shows that the 70 dBu contour of the proposed Dinwiddie facility encompasses the USGS centroid for Dinwiddie and the surrounding area, which includes the Dinwiddie County Courthouse, the Calvary Episcopal Church, the Dinwiddie Post Office, the Mount Level Church and the Dinwiddie Elementary School (DRC does not contend that the Restoration Christian Center and the Olive Branch Baptist Church are located within the

community of Dinwiddie, and the Dinwiddie Volunteer Rescue Squad does not appear in the database used to prepare Figure 5). Moreover, each of the government offices, grocery stores, doctor's offices and medical clinics, restaurants, professional service providers, auto dealers, retail establishments, financial institutions and schools (with the exception of Southside Elementary School, which is located well outside the community of Dinwiddie), including Dinwiddie Elementary School, Dinwiddie Middle School, and Dinwiddie High School, that are identified on the attached lists obtained from the Yahoo! Yellow Pages, lie within the city grade contour of the proposed station. *See* Exhibit 2 (the location can be shown by clicking at the MapQuest link for each entry in the Yahoo! Yellow Pages).

II. DRC's Counterproposal Complies with all Technical Requirements

As mentioned above, MainQuad has raised a question about whether DRC's counterproposal complies with the Commission's technical requirements, particularly the principal community contour requirement. Channel 299A can be allotted to Dinwiddie utilizing a reference point of 37-06-47 North Latitude and 77-44-17 West Longitude. *See* attached Engineering Statement at 1. This site restriction is necessary to avoid a short-spacing to existing station WJCD on Channel 299A at Windsor, Virginia.

In its original Counterproposal, DRC tentatively proposed that the Commission use the boundaries of the Dinwiddie Magisterial District as the boundaries of the community of Dinwiddie for purposes of this allotment. However, DRC has since learned that those boundaries, which were included on a Virginia State Department of Transportation map, do not correspond to any such magisterial district or, in fact, to any district at all -- in other words, the Dinwiddie Magisterial District as depicted on the Virginia State Department of Transportation map, which was submitted with DRC's original counterproposal, does not exist. DRC has also

been unable to find any other ascertainable boundaries for Dinwiddie. However, contrary to MainQuad's assertions, the lack of ascertainable boundaries does not render DRC's application either technically deficient or incomplete. DRC is simply required to demonstrate that from its proposed reference coordinates it will place the requisite 70 dBu contour over that community. *See* 47 C.F.R. § 73.315(a). As set forth in the previous section, and as depicted on Figure 5 attached hereto, the principal community contour of the proposed Dinwiddie station covers every governmental office, and every retail and other establishment that appears to be part of the community.

III. MainQuad's Proposal Constitutes a Move from a Rural Community to an Urban Community and Necessitates a Tuck Analysis.

From the reference coordinates specified in MainQuad's proposal, the 70 dBu contour of the proposed facilities will cover only 27.9 percent of Rocky Mount, North Carolina Urbanized Area. *See* Counterproposal Engineering Statement at 3. However, as that Engineering Statement makes clear, MainQuad has not proposed reference coordinates for the closest fully-spaced site to Whitakers. *Id.*

DRC has previously demonstrated that if MainQuad had proposed the closest fully-spaced site, its proposed 70 dBu contour (using actual terrain data) would have covered 63.9 percent of the Rocky Mount Urbanized Area, a level of coverage that would have exceeded 50 percent and necessitated a so-called a so-called "Tuck analysis. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995) (Commission requires "stations seeking to move from rural communities to suburban communities located outside but proximate to Urbanized Areas to make the same showing [it] currently require[s] of stations seeking to move

into Urbanized Areas if they would place a city-grade (70 dBu) signal over 50% or more of the Urbanized Area.”). In response, MainQuad contends that a *Tuck* analysis is not required because DRC’s showing was based on more accurate actual terrain data rather than theoretical uniform terrain data. MainQuad Reply Comments at 17-18.

MainQuad’s argument cannot be sustained. The case that MainQuad cites for this proposition -- *Caldwell, College Station and Gause, Texas*, 15 FCC Rcd 3322 (1998) -- addressed the narrow issue of the proper propagation methodology to be employed by an applicant to demonstrate that a station’s 70 dBu signal encompasses the entire proposed community of license pursuant to Section 73.315(a). The *Caldwell* decision did not involve the relocation of a rural station to an urban community that would have necessitated a *Tuck* analysis, and the decision therefore is irrelevant to the issue of the proper methodology to be employed in the context of a such an analysis. Moreover, MainQuad has offered no rationale to explain why, in the context of determining the applicability of *Tuck*, that the Commission should ignore a showing based on actual terrain when a showing based on that methodology more accurately reflects the proposed 70 dBu signal of the Whitakers facility.

MainQuad’s reluctance to provide a *Tuck* analysis is perhaps explained by the meager showing that it grudgingly supplied. A *Tuck* analysis requires the Commission to consider the extent to which the proposed facility will provide service to the entire urbanized area, the relative populations of the outlying and central city, and, most importantly, the independence of the proposed community. The Commission identified eight criteria by which it assesses the independence of a specified community of license. The eight criteria are: (1)

whether the specified community has its own local government and elected officials; (2) the extent to which the specified community relies on the larger metropolitan area for various municipal services, such as police, fire protection, schools, and libraries; (3) whether the community has its own commercial establishments, health facilities, and transportation systems; (4) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (5) whether the smaller community has its own newspaper or other media that cover the community's local needs and interests; (6) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (7) the extent to which community residents work in the larger metropolitan area rather than in the specified community; and (8) the extent to which the specified community and central city are part of the same advertising market. *Tuck*, 3 FCC at 5378. Although it is not necessary to demonstrate that all eight criteria are satisfied, the Commission will consider a community to be independent only when a majority of the *Tuck* elements support such a conclusion. *See Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570 (Allocations Br., 1997) (approving change where a majority of *Tuck* factors were satisfied). MainQuad's submission, however, failed to supply any information relevant to four of the eight listed criteria (items (5)-(8)). Because MainQuad failed to satisfy a majority of the *Tuck* criteria, the Commission cannot find that Whitakers is an independent community.

IV. The FCC Should Not Deprive Alberta of its Only Local Transmission Service.

Even if MainQuad were not proposing to move the licensed WSMY-FM (formerly WAQD(FM)) facilities to a well served urbanized area, it should not be allowed to

deprive Alberta, Virginia, of its only local transmission service.¹ As the Commission observed in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, 7097 (1990) (emphasis added):

replacement of an operating station with a vacant allotment or unconstructed permit, although a factor to be considered in favor of the proposal, does not adequately cure the disruption to "existing service" occasioned by removal of an operating station. From the public's perspective, the potential for service at some unspecified future date is a poor substitute for the signal of an operating station that can be accessed today simply by turning on a TV or radio set. Therefore, in analyzing proposals pursuant to Section 1.420(i), we intend to examine the effect of the proposal on existing service to the public particularly closely.

C.f. Harrisburg and Albermarle, North Carolina, 11 FCC Rcd 2511, 2513 (Policy & Rules Div. 1996) (the "benefits [in that case, of eliminating grandfathered shortspacings] do not outweigh the strong public interest commitment not to disrupt existing service to the listening public, which has a strong expectation that its existing aural services will not be removed").

The community of Alberta currently receives a local radio transmission service from one radio station - WSMY-FM. Under MainQuad's proposal, Alberta would lose that service, and receive instead the "potential" for future service many years hence - after the Commission opens a window for applications, after an auction if there are any competing applicants, and then only after the winning applicant constructs the new station, which alone may be as long as three years after grant of the construction permit.

It is clear that the public interest would be best served by retaining WSMY-FM on

¹ The WSMY-FM license application was granted on March 13, 2001 (FCC File No. BLH-20001218AAE).

Channel 276A at Alberta, Virginia, as Alberta's only local transmission service, and allocating Channel 299A to Dinwiddie, Virginia, where it will provide both the community of Dinwiddie and the surrounding Dinwiddie County with their first local transmission service.

V. MainQuad Proposes an Entirely New Broadcast Facility to Serve Whitakers, North Carolina.

For the reasons set forth above, DRC submits that its proposal to allot Channel 299A to Dinwiddie would advance the public interest by providing both the community of Dinwiddie, and Dinwiddie County as a whole, with its first local radio service. However, in the event that the Commission determines that the public interest would be better served by the allotment of a new Class C3 facility to Whitakers, North Carolina, as generally proposed by MainQuad, the authorization for that station should be awarded through the Commission's auction process as a new station allotment.

MainQuad proposes the substitution of Channel 276C3 for Channel 276A at Alberta, Virginia, the reallocation of Channel 276C3 from Alberta to Whitakers, and the modification of the license of WSMY-FM to reflect the new community of license. MainQuad also proposes to allot a new Channel 299A to Alberta. WSMY-FM is licensed to serve the community of Alberta, and represents that community's sole existing local radio service. MainQuad proposes to discontinue service to Alberta (both transmission and reception) by relocating the station to Whitakers, which will deprive Alberta of its only local transmission service. For its part, Whitakers is a substantially larger community that is located just outside the Rocky Mount Urbanized Area in North Carolina, approximately a two and one-half hours drive south of Alberta. *See Exhibit 3.* Significantly, there is no overlap between the service areas of

WSMY-FM and the proposed Whitakers facility. *See* attached Engineering Statement at Figure 4. Moreover, while WSMY-FM is currently a modest Class A facility, MainQuad proposes to serve the larger community of Whitakers with substantially superior Class C3 facilities. In light of the lack of service overlap between the two facilities, the distance between Alberta and Whitakers, and the significant upgrade MainQuad proposes for its Whitakers facility, MainQuad's proposal in fact constitutes a request to allot an entirely new broadcast facility to Whitakers.

The Commission should not permit MainQuad to remove the sole existing local radio service from Alberta, an outcome that the Commission strongly disfavors (*see Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990)). Instead, if the Commission decides that the allocation of Channel 276C3 to Whitakers is the preferred allocation, the Commission should modify the license of WSMY-FM to specify operation on Channel 299A in Alberta, and allocate a new Class C3 facility to Whitakers. This approach not only achieves the same result as the MainQuad proposal (the allotment of a new Class C3 facility to Whitakers and Channel 299A to Alberta), but also prevents any interruption of service to the residents of Alberta by preserving that community's sole local service. If MainQuad remains interested in securing the authorization for Whitakers, it can do so by participating in the auction for that facility.

VI. In the Alternative, the Commission Should Ensure Continued Broadcast Service to Alberta Until the New Alberta Facilities Have Been Constructed.

In the event that the Commission grants MainQuad's original proposal, allots Channel 276C3 to Whitakers, and modifies MainQuad's license for WSMY-FM, the

Commission should require MainQuad to continue broadcast operations on Channel 276A at Alberta until such time that the new station on Channel 299A in Alberta has been constructed. The residents of Alberta have a legitimate expectation that broadcast service from WSMY-FM will not be disrupted. *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, 7097 (1990). The potential for a substitute local service at some uncertain date in the future is inadequate justification to relieve MainQuad of its obligation to serve the residents of the community that it is licensed to serve. By requiring MainQuad to continue providing service to Alberta on Channel 276A until the new facility on Channel 299A has been constructed, the disruption of broadcast service to the residents of that community will be minimized to the greatest extent possible.

VII. Conclusion

For the reasons set forth above, DRC respectfully requests that the Commission amend the FM Table of Allotments as follows:

Community	Channel Number	
	Present	Proposed
Alberta, Virginia	276A	276A
Dinwiddie, Virginia	--	299A
Whitakers, North Carolina	--	--

If the requested channel is allocated to Dinwiddie, DRC intends to file an application for a construction permit for the facility and, if it is granted a construction permit, to construct and operate the station.

Respectfully submitted,

DINWIDDIE RADIO COMPANY

By: 

Meredith S. Senter, Jr.

John D. Poutasse

Leventhal, Senter & Lerman P.L.L.C.

2000 K Street, N.W., Suite 600

Washington, D.C. 20006-1809

(202)429-8970

August 3, 2001

Its Attorneys

EXHIBIT 1

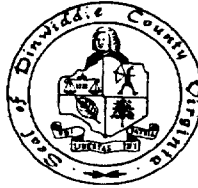
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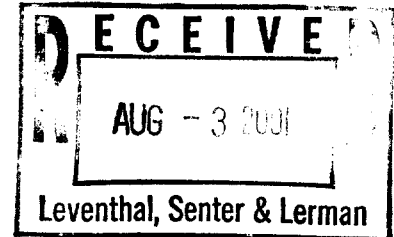
August 2, 2001

HARRISON A. MOODY

Chair

EDWARD A. BRACEY, JR.

Vice-Chair



Leventhal Senter & Lerman, PLLC
2000 K Street, NW
Suite 600
Washington, DC 20006

Dear Sirs:

I am the Dinwiddie County Administrator, and have served in this capacity since 1997. Dinwiddie County is a political subdivision that was duly created under the laws of Virginia in 1752. I am the Chief Administrative Officer for the County, serving at the pleasure of the Board of Supervisors, the governing body of the County.

On behalf of the Board of Supervisors, we are pleased that you are interested in locating a FM radio broadcast station operating on 107.7 MHz in the area of the County commonly known as "Dinwiddie Courthouse." Dinwiddie County welcomes your proposal to locate within the County and will work with you to the fullest in accordance with current County ordinance and law. An application for a radio tower is treated under the terms of a conditional use permit granted by the Board of Supervisors under the Federal Telecommunications Act.

We look forward to hearing more from you on this proposal. In order to move ahead with your request, you should contact Mr. William C. Scheid, Director of Planning for the County at (804)469-4542. If you have any additional questions or concerns, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Martin Long".

R. Martin Long
County Administrator

EXHIBIT 2



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Dinwiddie Cnty Voter Rgstrtn	14016 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4512
Dinwiddie County Adm	14016 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4500
Dinwiddie County Bldg Inspctr	14016 Boydton Plank Rd Fl 1	Dinwiddie, VA	(804) 469-4504
Dinwiddie County Circuit Clerk	14008 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4540
Dinwiddie County Dog Warden	10903 Wheelers Pond Rd	Dinwiddie, VA	(804) 469-4547
Dinwiddie County Economic Dev	14016 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4500
Dinwiddie County General Dist	14101 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4533
Dinwiddie County Health Dept	14006 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3771
Dinwiddie County Juvenile Ct	14101 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4533
Dinwiddie County Landfill	10817 Wheelers Pond Rd	Dinwiddie, VA	(804) 469-4545
Dinwiddie County Planning Dept	14016 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4542
Dinwiddie County Social Svc	14012 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4524
Dinwiddie County Zoning Dept	14016 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4542
Transportation Dept	13717 Ritchie Rd	Dinwiddie, VA	(804) 863-4000
US Consolidated Farm Svc Agcy		Dinwiddie, VA	(804) 469-3311

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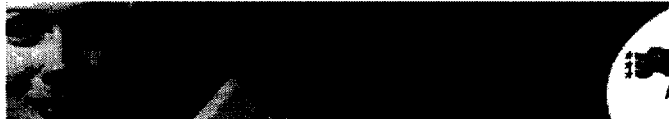


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Dinwiddie County Sheriff	14230 Sycamore Dr	Dinwiddie, VA	(804) 469-4550

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Dinwiddie County Attorney	14016 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4500

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Dinwiddie Super Market	13729 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3561
Village Mart	13422 Boydton Plank Rd	Dinwiddie, VA	(804) 469-7077

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Charles C Ashby Sr MD - Dinwiddie Medical Ctr	13721 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3731
Pioneer Home Health Care Inc	13951 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4663

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Home Place Restaurant	Rr 1	Dinwiddie, VA	(804) 469-9872
Home Place Restaurant	14710 Spring Creek Rd	Dinwiddie, VA	(804) 469-9596
That's-A-Burger Inc	14517 Boynton Plank Rd	Dinwiddie, VA	(804) 469-7716

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Business Name	Address	City	Phone
James H Ritchie Jr - Ritchie Jr James H	138906 Courthouse Rd	Dinwiddie, VA	(804) 469-3879
John B Chappell - Chappell John B	13915 Boydton Plank Rd	Dinwiddie, VA	(804) 469-7050
T O Rainey III - Hill & Rainey	14008 Boydton Plank Rd	Dinwiddie, VA	(804) 469-7566
William D Allen III - Allen III William D	13927 Boydton Plank Rd # 7	Dinwiddie, VA	(804) 469-3977

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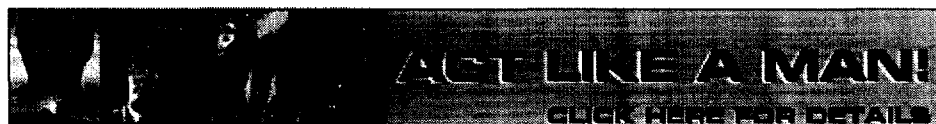
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Business Name	Address	City	Phone
Jeanette C Bishop - Primerica Financial Svc	13626 Boydton Plank Rd	Dinwiddie, VA	(804) 469-9394
Joe Doyle - Dinwiddie County Farm Bureau	13927 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3726
Joe Doyle - Early Settlers Insurance Co	13927 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3726
L Douglas Brown - Erie Insurance Group	13915 Boydton Plank Rd # G	Dinwiddie, VA	(804) 469-7812
Lois Avery - Richard H Avery Insurance	12126 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3707

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Business Name	Address	City	Phone
Raymond B Hill - North-South Properties	13906 Courthouse Rd	Dinwiddie, VA	(804) 469-4905

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Business Name	Address	City	Phone
N W Stamos Construction Co	18410 Sycamore St	Dinwiddie, VA	(804) 469-4605

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Business Name	Address	City	Phone
Southside Electric Co-Op	19416 Carson Rd	Dinwiddie, VA	(804) 469-3753

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Showing 1 - 1 of 1 [Beyond Dinwiddie](#)

Business Name	Address	City	Phone
Dinwiddie Lawn Equipment	14813 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3331

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Business Name	Address	City	Phone
Gupton's Mobile Glass	14116 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4301

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Business Name	Address	City	Phone
Dinwiddie Barber Shop	12311 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4476
Dinwiddie Hair Cuttery	13725 Boydton Plank Rd	Dinwiddie, VA	(804) 469-7399

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Business Name	Address	City	Phone
Dinwiddie Auto Sales	13501 Boydton Plank Rd	Dinwiddie, VA	(804) 469-7630
Wyatt Auto Sales	12305 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4137

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Business Name	Address	City	Phone
Bank Of Mc Kenney	13812 Boydton Plank Rd	Dinwiddie, VA	(804) 469-3702
Bank Of Southside Virginia	13909 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4109
First Union National Bank	14003 Boydton Plank Rd	Dinwiddie, VA	(804) 469-5975

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Business Name	Address	City	Phone
Dinwiddie County School Board	14016 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4190
Dinwiddie Elementary School	13811 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4580
Dinwiddie High School	11608 Courthouse Rd	Dinwiddie, VA	(804) 469-4280
Dinwiddie Middle School	12318 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4380
Southside Elementary School	10305 Boydton Plank Rd	Dinwiddie, VA	(804) 469-4480

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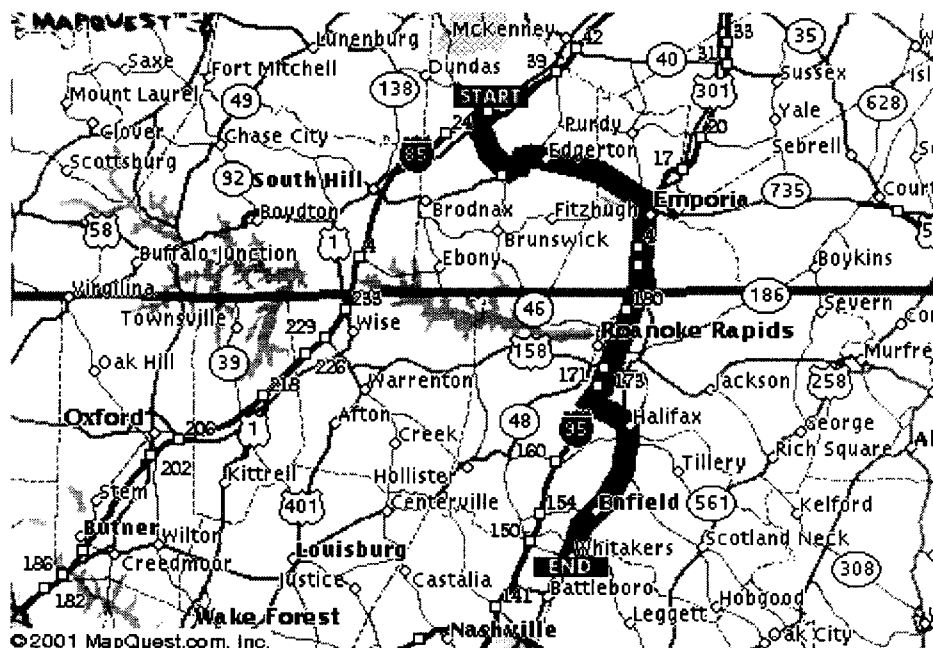
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Estimated Driving Time:
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ENGINEERING STATEMENT

**ENGINEERING STATEMENT
IN SUPPORT OF
REPLY COMMENTS TO
NOTICE OF
PROPOSED RULE MAKING**

August 2, 2001

**Dinwiddie Radio Company
MM Docket No. 00-245, RM-9971
FM Channel 276C3 □ Whitakers, North Carolina
FM Channel 299A □ Alberta, Virginia
FM Channel 299A □ Dinwiddie, Virginia**



LAWRENCE L. MORTON ASSOCIATES
2667 BELDEN DRIVE
HOLLYWOOD HILLS, CALIFORNIA 90068-1901
(323) 467-5010 / FAX (323) 467-5848

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| 2 | Map Showing Flat-Earth City Grade Service Contour From Channel 299A Proposed Allotment Reference Site at Dinwiddie |
| 3 | Map Showing Fully-Spaced Permissible Area to Locate WSMY-FM on Channel 276C3 at Whitakers, North Carolina, Petitioner's Proposed Allotment Reference Site and Closest Fully-Spaced Allotment Reference Site |
| 4 | Map Comparing WSMY-FM Licensed Channel 276A Service Area at Albert to Channel 276C3 Service Area at Whitakers |
| 5 | Detailed Map Showing Dinwiddie and Flat-Earth City Grade Service Contour From Channel 299A Proposed Allotment Reference Site at Dinwiddie |

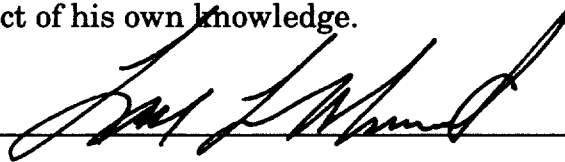
AFFIDAVIT

State of California)
) ss:
County of Los Angeles)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: August 2, 2001



Lawrence L. Morton, P.E.

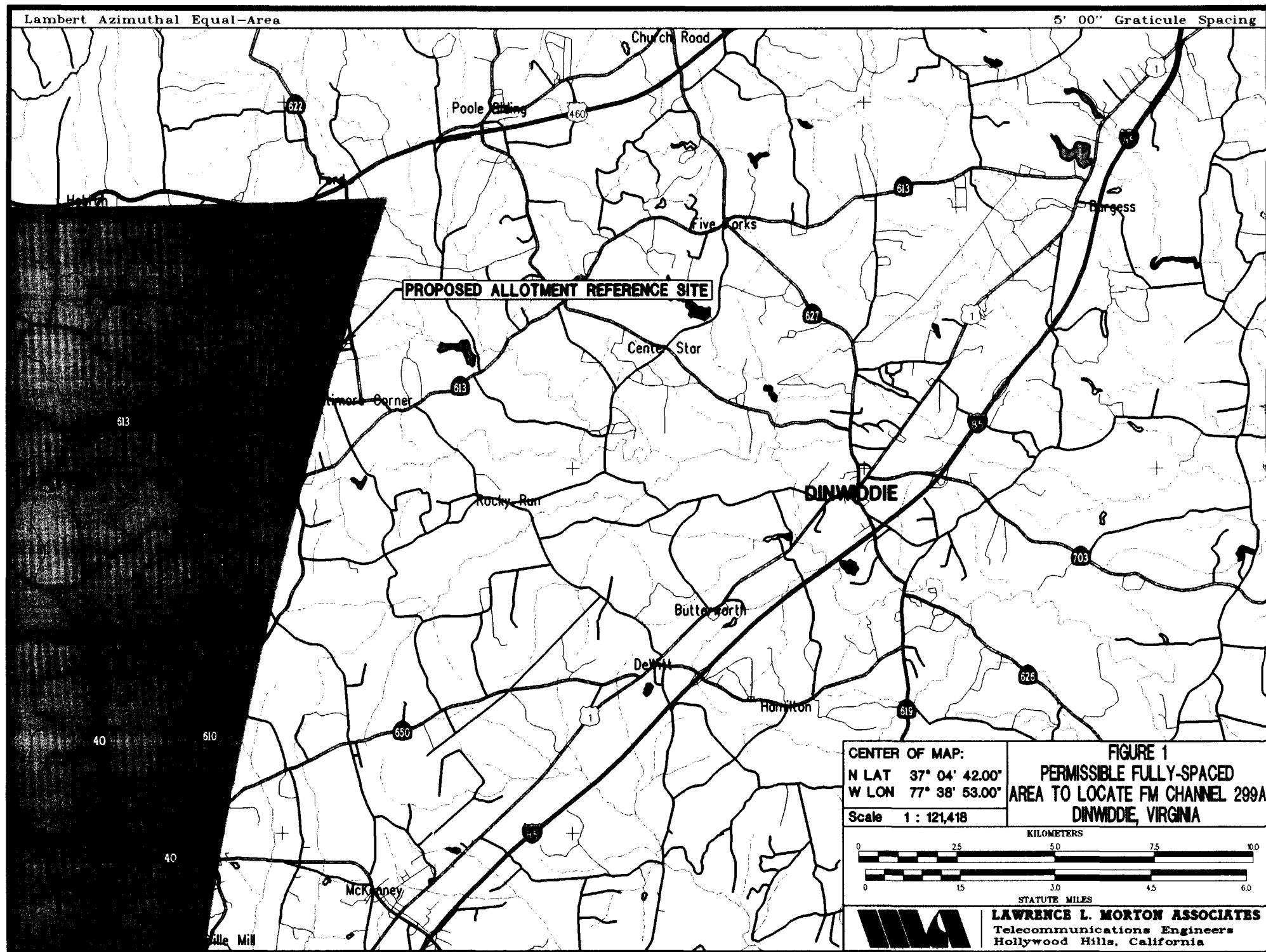
On August 2, 2001, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/2001



Notary Public





Lambert Azimuthal Equal-Area

5' 00" Graticule Spacing

CENTER OF MAP:

N LAT 37° 07' 23.00"
W LON 77° 39' 54.00"

Scale 1 : 191,131

FIGURE 2

70 dBu FLAT-EARTH CITY GRADE CONTOUR
FROM CHANNEL 289A PROPOSED
ALLOTMENT REFERENCE SITE AT
DINWIDDIE, VIRGINIA

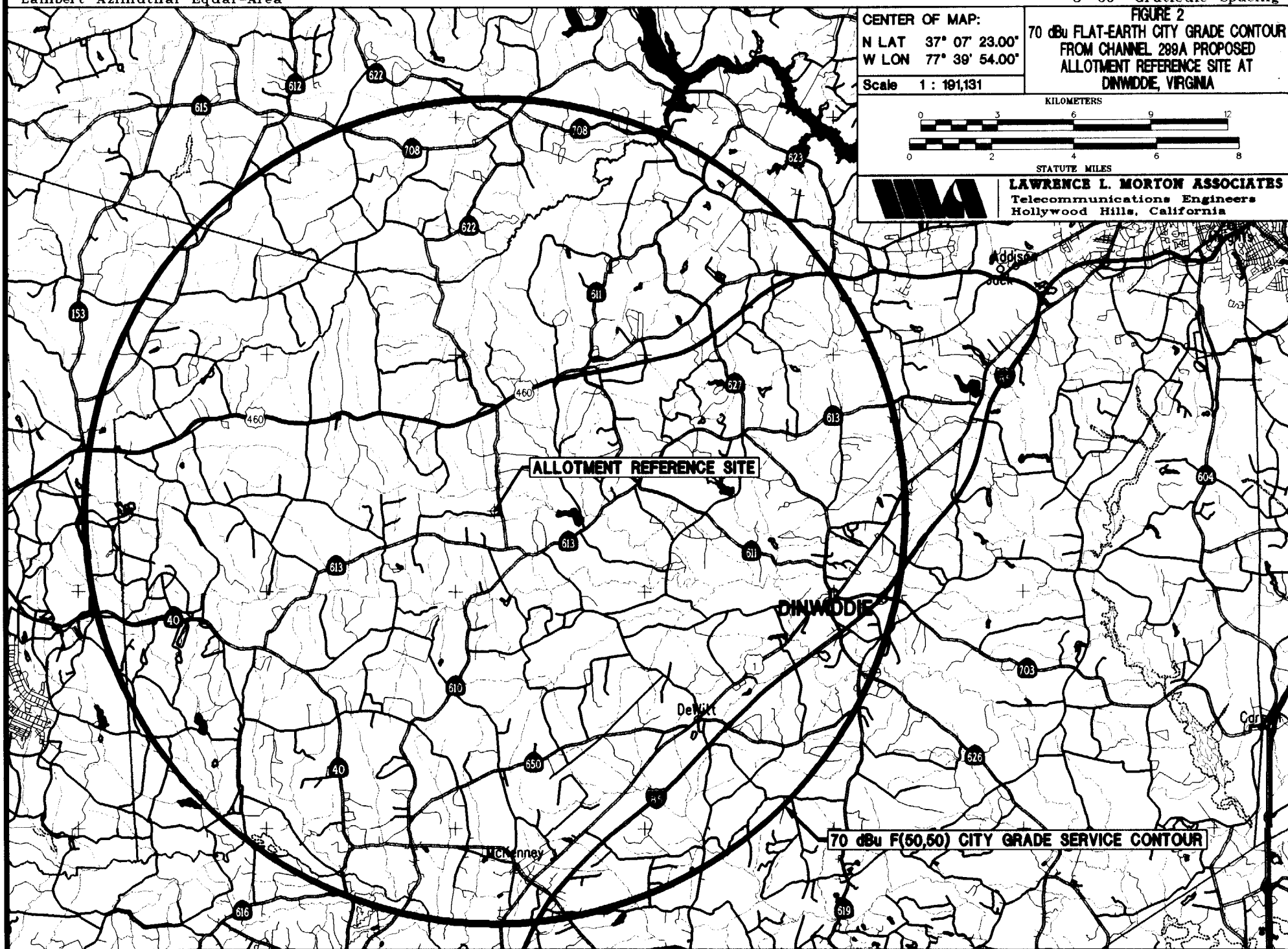
KILOMETERS



STATUTE MILES



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California



Lambert Azimuthal Equal-Area

5' 00" Graticule Spacing

CENTER OF MAP:

N LAT 36° 09' 52.00"

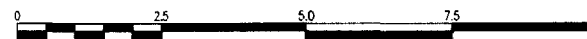
W LON 77° 44' 54.00"

Scale 1 : 130,364

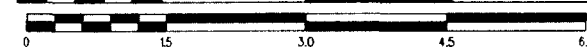
FIGURE 3

PERMISSIBLE FULLY-SPACED
AREA TO LOCATE FM CHANNEL 276C3
WHITAKERS, NORTH CAROLINA

KILOMETERS



STATUTE MILES

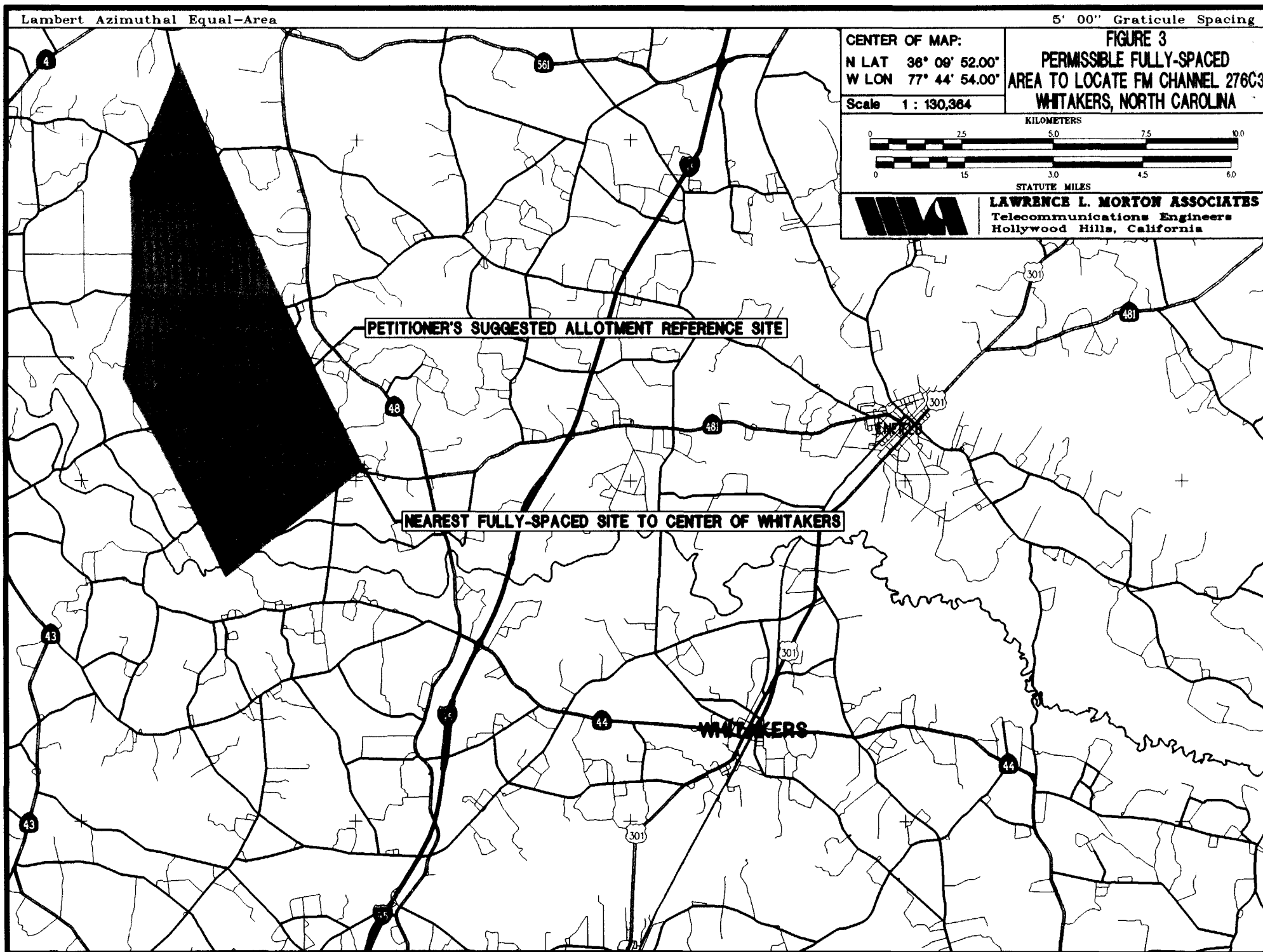


LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California

PETITIONER'S SUGGESTED ALLOTMENT REFERENCE SITE

NEAREST FULLY-SPACED SITE TO CENTER OF WHITAKERS

WHITAKERS



Lambert Azimuthal Equal-Area

30' 00" Graticule Spacing

CENTER OF MAP:

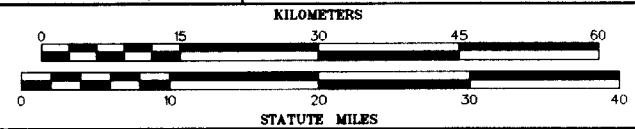
N LAT 38° 28' 03.00"

W LON 77° 35' 10.00"

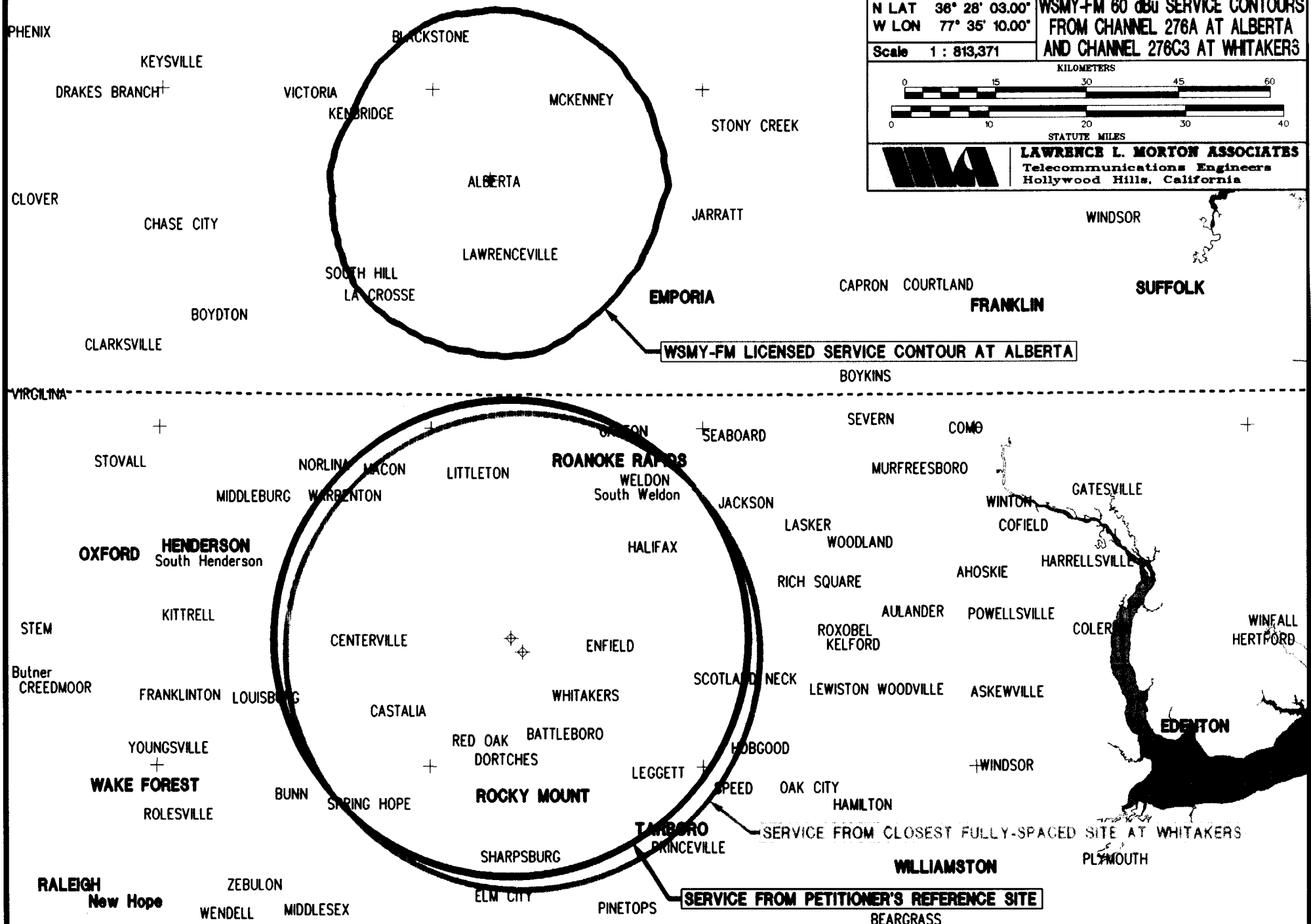
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FIGURE 4

WSMY-FM 60 dBu SERVICE CONTOURS
FROM CHANNEL 276A AT ALBERTA
AND CHANNEL 276C3 AT WHITAKERS

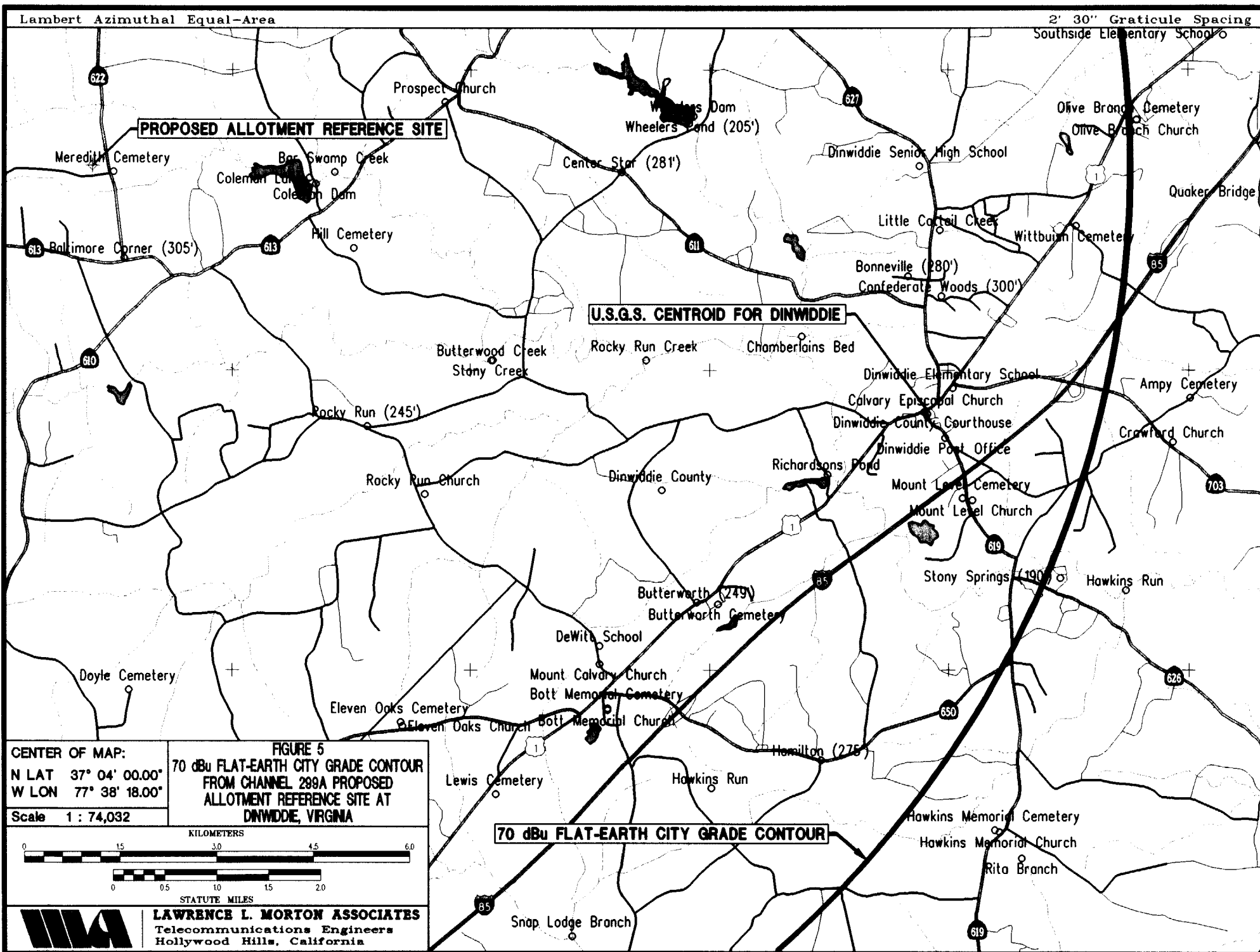


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Telecommunications Engineers
Hollywood Hills, California



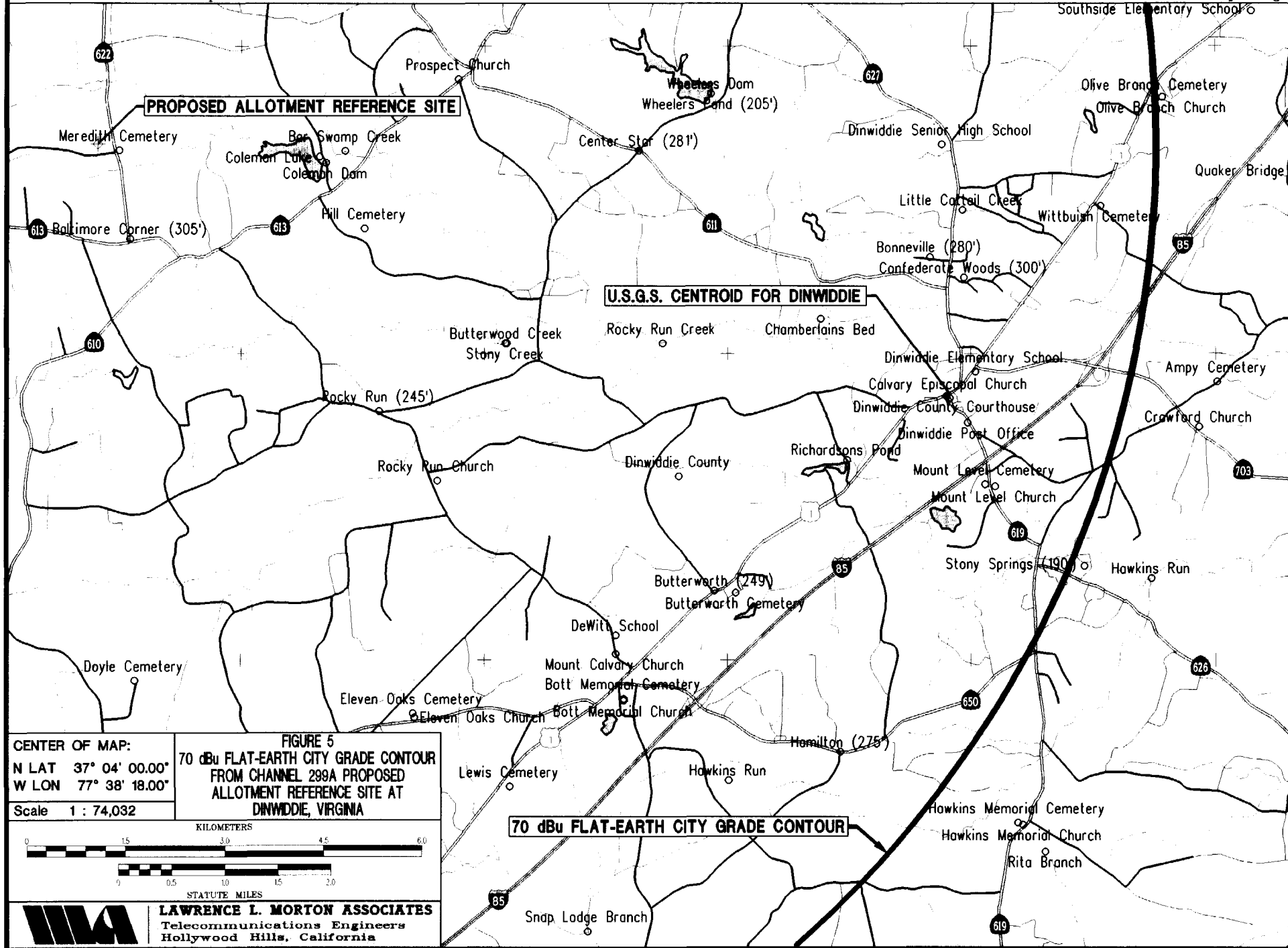
Lambert Azimuthal Equal-Area

2' 30" Graticule Spacing
Southside Elementary School



Lambert Azimuthal Equal-Area

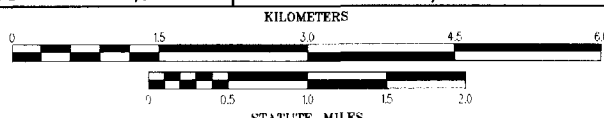
2' 30" Graticule Spacing
Southside Elementary School



CENTER OF MAP:
N LAT 37° 04' 00.00"
W LON 77° 38' 18.00"

Scale 1 : 74,032

FIGURE 5
70 dBu FLAT-EARTH CITY GRADE CONTOUR
FROM CHANNEL 299A PROPOSED
ALLOTMENT REFERENCE SITE AT
DINWIDDIE, VIRGINIA



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California

CERTIFICATE OF SERVICE

I, Randy Pannell, do hereby certify that a true copy of the foregoing Reply Comments was mailed by first-class U.S. mail, postage prepaid, this 3rd day of August 2001, to the following:

Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209-3801
(Counsel for Garysburg Radio)

John M. Pelkey
Garvey, Schubert & Barer
1000 Potomac Street, NW, 5th Floor
Washington, DC 20007
(Counsel to MainQuad Broadcasting, Inc.)

John A. Karousos
Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554



Randy Pannell